

June 12, 2007

**MINUTES OF THE CITY COUNCIL MEETING HELD JUNE 12, 2007**

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, June 12, 2007, at 6:40 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Steven R. Taylor, Mayor  
Brenda S. Pelham, Vice Mayor  
Christina J. Luman-Bailey, Councilor  
Curtis W. Harris, Councilor  
Kenneth B. Emerson, Councilor  
E. Randy Sealey, Councilor  
N. Gregory Cuffey, Councilor

John M. Altman, Jr., Interim City Manager  
Edwin N. Wilmot, City Attorney  
Ann M. Romano, City Clerk

Mayor Taylor opened the meeting at 6:40 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	present
Councilor Bailey	-	present
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Sealey	-	present
Councilor Cuffey	-	present

**CLOSED SESSION**

At 6:40 PM **motion** was made by Councilor Harris, and seconded by Vice Mayor Pelham, to Convene into Closed Session to discuss Acquisition/Disposition of Property (the Exeter property and HDC suit), Prospective Siting of a Business, and Litigation (Exeter/HDC suit), in accordance with Virginia Code § 2.2-3711 (A) (3) (5) & (7). Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

At 7:15 PM Mayor Taylor asked that the City Clerk announce to the audience that Council would be out of the Closed Session at 8:00 PM for the Open Session.

**OPEN SESSION**

At 9:02 PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

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Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

## **REGULAR MEETING**

Mayor Taylor opened the regular meeting at 9:02 PM. Roll call was taken as follows:

Mayor Taylor	-	present
Vice Mayor Pelham	-	present
Councilor Bailey		present
Councilor Harris	-	present
Councilor Emerson	-	present
Councilor Sealey	-	present
Councilor Cuffey	-	present

Prayer was offered by Councilor Rev. Curtis W. Harris, Pastor, Union Baptist Church, Councilor Ward #2, followed by the Pledge of Allegiance to the Flag of the United States of America.

Mayor Taylor explained that it was necessary for Council to conclude the business of the Closed Session and apologized for the late start to the open meeting.

## **CONSENT AGENDA**

**Motion** was made by Councilor Harris, and seconded by Councilor Sealey, to approve the Consent Agenda: **Minutes** Budget Work Session & Regular Meeting 4/24/07; Budget Work Session 4/30/07; Special meeting 5/18/07; Regular Meeting 5/22/07; **Pending List; Information for Council Review:** [Senior Citizens Advisory Commission minutes 4/17/07 & agenda 5/15/07; HRHA minutes 2/12/07; Waterfront Development Committee minutes 5/21/07; HRWTF Report 5/17/07; Social Services Advisory Board minutes 3/12/07 (July meeting rescheduled from 7/9 to 7/10/07); Hopewell 2007 Celebration Committee minutes 5/23/07; ARLS minutes 4/17/07]; **Personnel Change Report; Financial Report; Public Hearings Announcements:** Set a PH on 6/26/07 to consider amendments to Zoning Ordinance & Subdivision Ordinance; Set a PH on 8/14/07 to request Charter Change – Moving Council Elections from May to November; Set PH on 7/10/07 to consider a CUP for Lots 7 & 8, Blk 5, DuPont Gardens, Sec.2 on Liberty Ave. in Ward #6; Routine Approval of Work Sessions: none; **Ordinances on second and final reading:** Ord. No. 2007-04 -Amending Sec. 2-11 of the Code of the City of Hopewell, to increase the Court Security Fee assessed against convicted criminal and traffic defendants; Proclamations/Resolutions/**Presentations:** Blossie Cheatham – Employee of the Quarter. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	out of the room
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

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**ORDINANCE NO. 2007-04**

An Ordinance amending Sec. 2-11 of the Code of the City of Hopewell, to increase the Court Security Fee assessed against convicted criminal and traffic defendants.

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Section 2-11 of the Code of the City of Hopewell be amended and reenacted as follows:**

Sec. 2-11. Court costs--~~Additional fee~~ Courthouse security fee.

Pursuant to ~~the authority vested in it by virtue of~~ Code of Virginia, § 53.1-120 (D), there shall be assessed against convicted defendants in all criminal and traffic cases in the city's district and circuit courts a fee of ~~five (\$5.00)~~ ten (\$10.00), which shall be added as costs, collected by the clerks of the respective courts, remitted to the treasurer, and held by the treasurer subject to appropriation by the city council to the sheriff's office for the funding of courthouse security personnel, and, if requested by the sheriff, equipment and other personal property used in connection with courthouse security.

An attested copy of this section shall be sent to the clerks of the Hopewell District and Circuit Courts by the clerk of the city.

**PUBLIC HEARING – TO CONSIDER GRANTING REAL ESTATE TAX EXEMPTION TO THE ARCHAEOLOGICAL CONSERVANCY**

The City of Hopewell received a request from the Archaeological Conservancy for an exemption from local real property taxation pursuant to Va. Code § 58.1-3651, on property it owns in the City of Hopewell, to-wit: Kippax Plantation, 999 Bland Avenue (8.44 acres) and Rolfe Lane (.83 acre).

The assessed value of said property for 2007 is \$367,300; and the 2006 real property taxes assessed on said property totaled \$3,238.80. According to the applicant for exemption, the property will be maintained in perpetuity as an archaeological preserve. The Archaeological Conservancy is exempt from federal taxes as a result of its 501 (c) (3) status.

The Public Hearing was opened at 9:12 PM. There being no speakers, it was closed at 9:12 PM.

Mayor Taylor filed a Transactional Disclosure Statement declaring a possible conflict of interest. He is a property owner adjacent to the subject property.

**Motion** was made by Councilor Harris, and seconded by Councilor Sealey, to approve an ordinance on first reading approving the request from the Archaeological Conservancy for an exemption from local real property taxation pursuant to Va. Code § 58.1-3651, on property it owns in the City of Hopewell, to-wit: Kippax Plantation, 999 Bland Avenue (8.44 acres) and Rolfe Lane (.83 acre). Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

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**PUBLIC HEARING – REGARDING THE PROPOSED INCREASE FROM 4.5% TO 5.5% ON THE TAX ON THE PURCHASE OF MEALS IN THE CITY OF HOPEWELL TO BECOME EFFECTIVE JULY 1, 2007**

The City Council will receive public comments regarding the proposed increase (from 4.5 percent to 5.5 percent) on the tax on the purchase of meals in the City of Hopewell, to become effective July 1, 2007. Chapter 34, Article VII, Section 34-119 of the Code of the City of Hopewell must be amended and reenacted, effective July 1, 2007, as follows, in order to increase the tax on the purchase of meals from 4.5% to 5.5% in the City of Hopewell:

ARTICLE VII. TAX ON PURCHASE OF MEALS  
Sec. 34-119 Levy.

There is hereby imposed and levied by the city on each person a tax at the rate of ~~four~~ five and one-half ~~(4.5)~~ (5.5) percent on the amount paid for meals purchased from any food establishment, whether prepared in such food establishment or not, and whether consumed on the premises or not.

The Public Hearing was opened at 9:15 PM. There being no speakers, the public hearing was closed at 9:15 PM.

Some Council concern was voiced about local downtown residents. Small businesses say that the City does not help them, or draw new businesses to the downtown.

**Motion** was made by Vice Mayor Pelham, and seconded by Councilor Cuffey, to approve an ordinance on first reading increasing (from 4.5 percent to 5.5 percent) on the tax on the purchase of meals in the City of Hopewell, to become effective July 1, 2007. Chapter 34, Article VII, Section 34-119 of the Code of the City of Hopewell must be amended and reenacted, effective July 1, 2007. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	NO
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

**PUBLIC HEARING – SCHOOL BOARD NOMINEES OR APPLICANTS – TERM JULY 1, 2007 THROUGH JUNE 30, 2010**

The School Board has two terms which will expire on June 30, 2007. City Council must make two appointments on or before June 30, 2007, for a term extending from July 1, 2007 through June 30, 2010.

The Code of Virginia Sec. 22.1-29.1 states that, *“At least seven days prior to the appointment of any school board member pursuant to the provisions of this chapter, one or more public hearings to receive the views of citizens within the school division. The appointing authority shall cause public notice to be given at least ten days prior to any hearing by publication in a newspaper having general circulation within the school division. No nominee or applicant whose name has not been considered at a public hearing shall be appointed as a school board member.”*

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The code requires that an ad is published a minimum of 10 days before the public hearing. The appointment should be made no later than the City Council meeting of June 26, 2007.

Incumbents Avon L. Miles and Ann Williams have agreed to serve again if reappointed. In addition, Shirl A. Jefferson submitted a Talent Bank Resume for consideration of appointment to the School Board.

The Public Hearing was opened at 9:25 PM.

Ann Williams, 3312 St. Charles St., Hopewell, School Board incumbent addressed Council seeking support for reappointment.

Avon Miles, 524 East Cawson St., Hopewell, School Board incumbent, addressed Council seeking support for reappointment.

There being no other speakers, the public hearing was closed at 9:30 PM.

**Motion** was made by Vice Mayor Pelham to reappoint Ann Williams and Avon Miles to the School Board for terms extending from July 1, 2007 through June 30, 2010.

City Attorney Ted Wilmot reminded Council that there was one other candidate, Shirl Jefferson. Vice Mayor Pelham withdrew her motion.

**Motion** was made by Vice Mayor Pelham, and seconded by Councilor Harris, to resolve to schedule interviews with the three School Board candidates, Ann Williams, Avon Miles, and Shirl Jefferson, on June 26, 2007, from 5:30-6:30 PM in fifteen minutes intervals. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

#### **COMMUNICATIONS FROM CITIZENS**

**Katherine Podlewski**, 507 North Second Street, Hopewell, cautioned Council to beware of unrealistic developments. They work long term to get what they want. Two recent issues in Richmond are Shockhoe Bottom and the Sears Development. Some of the Hopewell development plans involve property that they do not own. The public needs to know where their tax dollars are being spent. Regarding the Chesapeake Bay Act, Hopewell is non-compliant on many issues. All should care about how their money is spent.

**Tommy Wells**, 1004 Smithfield Avenue, Hopewell, expressed his disappointment in how City Council is starting their meetings later and later, especially tonight. Council is obliged to start on time. Somebody needed to say something, so he did. In the past, Council came out on time and then went back into Closed Session after the regular meeting if Closed Session discussion was not completed.

**Anthony J. Zevgolis**, 3003 West Riverside Avenue, Hopewell, addressed the issue of clarification on ordinances. He was under the impression that a public hearing is required to pass an

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ordinance. There was an ordinance on the agenda to pass on one reading as an emergency measure. Item R-1 referred to the City of Hopewell's Employee Handbook. It was his understanding that the City Charter said that, "employees must be reinstated or fired within 60 days." He urged Council to read the Personnel Handbook before the second reading.

**UNFINISHED BUSINESS – TAX RELIEF FOR THE DISABLED AND TAX RELIEF FOR THE ELDERLY**

City Administration recommended that Council form a committee (comprised of the City Manager, City Attorney, Commissioner of the Revenue, one Council Member, and Chair of the Senior Citizens Advisory Commission), who will study the matter and report back to Council.

Councilor Bailey inquired whether the Tax Relief could be made effective for the second half of the year. Mr. Altman indicated that the City has based the budget on the whole year. Modified Tax Relief would be considered in the next budget year.

**Motion** was made by Councilor Bailey, and seconded by Councilor Cuffey, to resolve to appoint an ad-hoc committee to study Tax Relief for the Disabled and Tax Relief for the Elderly. The committee will be comprised of the City Manager, City Attorney, Commissioner of the Revenue, Councilor Christina J. Luman-Bailey, and Shirley Brannan-Chair of the Senior Citizens Advisory Commission. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

**CITIZEN/COUNCILOR REQUEST – COUNCILOR HARRIS - RULING MEMBERS OUT OF ORDER; RULE 406 – REMOVAL OF MEMBERS; CONTINUE DISCUSSION FROM WORK SESSION ON RULES HELD ON TUESDAY, MAY 22, 2007**

Councilor Harris requested that this matter be placed on the City Council agenda for the meeting of Tuesday, June 12, 2007. The backup materials for this agenda item include City Council's current rules and procedures, and the other materials distributed to City Council by the City Attorney at the work session held on May 22, 2007.

Councilor Harris opened discussion. He raised questions about some of the things that transpired at that meeting:

1) Removing a Council member from the Council meeting and how that can happen. He raised that question because he heard the Mayor indicating that he might have to ask people to leave the meeting because they did not adhere to the Council rules. Councilor Harris wants the City Attorney to help him decipher these rules. Mr. Wilmot assured him that he is available to discuss any of the issues of concern at any time. Councilor Harris asked for the number of votes required to overturn the ruling of the City Attorney. (Mr. Wilmot responded that a two-thirds (2/3) vote is required. Council Rule #101 states that the City Attorney's ruling is final and binding.)

2) Another question that Councilor Harris raised on several occasions is that the Mayor called him (Councilor Harris) out of order when he only said, "Mr. Mayor." (*Mr. Wilmot explained that the Mayor explained at that meeting that he was in error. The Chair has to do the best job he can to maintain order and decorum. No one gets the floor until recognized by the Chair.*)

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Councilor Bailey indicated that in January 2007 the same issue came up as a Citizen/Councilor Request to limit debate to two times only per Council member per issue. That was voted down. Then at the Work Session Mr. Wilmot stated that Council does not have a rule limiting debate in Council Rules and Council would have to rely on Roberts Rules of Order, which states two times on each subject. That was done at the previous meeting regarding the tax rate. If you look at our rules, the Table of Contents shows “#203, *Debate – Limitation – No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken.*” According to Councilor Bailey, Council does have a rule for limitation for debate. As a Council member, a call for the question requires a 5/2 vote. She did not understand why, during the tax rate issue, suddenly there was the rule about two times per issue per Councilor. There is no rule about only speaking twice on an issue. She argued that we do not need Roberts Rules on that issue.

Mr. Wilmot assured Council that these are their rules and they can dictate what they wish. But, the City Attorney’s ruling, when requested by Council, is final and binding. Under Rule #101, a two-thirds (2/3) vote is required to overrule his ruling. “#101. *Robert’s Rules of Order – Robert’s Rules of Order shall govern questions of order and procedure in cases not provided for in these rules. The City Attorney shall be parliamentary and his ruling, when requested by the presiding officer, shall be final and binding.*” Council may change Rule #101, or overrule a particular ruling. Mayor Taylor’s opinion is that he is comfortable with Council’s rules as they exist.

**Motion** was made by Councilor Bailey, and seconded by Vice Mayor Pelham, to explore the issue and potentially get a second opinion. Upon the roll call, the vote resulted:

Mayor Taylor	-	NO
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	NO
Councilor Sealey	-	NO

**CITIZEN/COUNCILOR REQUEST – MRS. LYNETTE MORENO-GABRIEL – REQUEST THAT COUNCIL ADDRESS HOPEWELL’S PROCEDURE FOR HANDLING FELONY ACTS COMMITTED BY JUVENILES**

Because of the late hour starting the Open Session, Mrs. Moreno-Gabriel had left the meeting.

**CITIZEN/COUNCILOR REQUEST – MAYOR TAYLOR – MEET & GREET FOR THE NEW CITY MANAGER – APPROPRIATE \$500.00**

The Chamber of Commerce and the Beacon Theatre have contacted Mayor Taylor about partnering with City Council to host a welcoming reception for Hopewell’s new City Manager, Ed Daley. They have proposed Thursday, July 12, 2007 at the Beacon Theatre. The Mayor has suggested appropriating \$500.00 from Council’s budget for this function.

**Motion** was made by Councilor Emerson, and seconded by Councilor Sealey, to resolve to appropriate \$500.00 from Council’s Miscellaneous Budget for the welcoming reception for Hopewell’s new City Manager, Ed Daley, on Thursday, July 12, 2007 at the Beacon Theatre.

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Councilor Harris raised some question about the dinner/meeting that was held on May 18, 2007 at Kan-Pai Japanese Restaurant with City Council, the new City Manager – Ed Daley, the Interim City Manager, and the City Clerk.

A **motion** was made by Councilor Harris, and seconded by Councilor Cuffey, to table the issue to the next Council meeting on June 26, 2007. Upon the roll call, the vote resulted:

Mayor Taylor	-	NO
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	NO
Councilor Sealey	-	NO

Mr. Altman agreed to provide information to Councilor Harris, as well as on the agenda of June 26, 2007.

**CITIZEN/COUNCILOR REQUEST – SHERIFF ANDERSON – CLARIFICATION OF FY 2007/2008 BUDGET REQUEST FOR ADDITIONAL \$2,000 TO BE ADDED TO SHERIFF'S DEPARTMENT EMPLOYEES' BASE SALARIES**

Sheriff Anderson felt that there is a need to clarify his FY 2007/2008 Budget Request for an additional \$2,000 for his employees. His request is for the \$2,000 to be added to their base salary. He addressed Council to clarify his request for \$2,000 to be added to the base salary of each of his eight (8) deputies for a total budget amendment of \$16,000 to the FY 2007/2008 City Budget.

**Motion** was made by Councilor Cuffey, and seconded by Vice Mayor Pelham, to resolve to amend the FY 2007/2008 City Budget to reflect \$2,000 for Sheriff employees to be added to their base salary, for a total of \$16,000 for the department. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

**CITIZEN/COUNCILOR REQUEST – COUNCILOR CUFFEY – PROPOSAL TO AMEND/ CHANGE SEC. 25-4 (CURFEW OF CERTAIN MINORS) OF THE HOPEWELL CITY CODE IN ACCORDANCE WITH Va. CODE § 15.2-926 TO LOWER THE CURFEW FOR ANY CHILD (17) YEARS OF AGE OR YOUNGER BETWEEN 10:00 PM AND 6:00 AM**

Councilor Cuffey removed this item from the agenda and will place it on the agenda for July 10, 2007.

**CITIZEN/COUNCILOR REQUEST – DEBRA K. REASON, COMMISSIONER OF THE REVENUE – SALARIES & BUSINESS LICENSE INSPECTOR**

Ms. Reason requested clarification of the Commissioner of the Revenue employee salaries and reinstitution of the position of Business License Inspector to that office. At the City Council meeting held



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on May 8, 2007, Debra K. Reason, Commissioner of the Revenue addressed Council regarding the License Inspector position in her office. She had asked for that position for the past two years and the position was denied. Her office is understaffed to track business licenses.

Mayor Taylor suggested the addition of a License Inspector in the Office of the Commissioner of the Revenue for two years, with a Sunset Clause to look at it again at that time. It would be a full-time position with a \$25,000 salary. Ms. Reason also asked for \$1,000 per year salary increases for each of her deputies. (Mr. Hager, Finance Director, indicated that with fringe benefits, the salary for the license Inspector would be closer to \$35,000).

**Motion** was made by Councilor Cuffey, and seconded by Councilor Bailey, to resolve to amend the FY 2007/2008 City Budget to add the position of Full-time Business License Inspector in the Office of the Commissioner of the Revenue for two years, with a Sunset Clause, with a provision to look at it again in two years time, with a \$25,000 salary, with fringe benefits; plus the addition of \$1,000 per year salary increases for each of the Commissioner's deputies. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

**CITIZEN/COUNCILOR REQUEST – COUNCILOR CUFFEY – AMEND FY 2007/2008 CITY BUDGET (OFFICE OF VOTER REGISTRATION)**

Councilor Cuffey proposed an amendment to the FY 2007/2008 City Budget to include a request from the Office of Voter Registration (Pamala Clark – General Registrar) for a salary increase in the amount of \$2,000.

Mayor Taylor explained that the Registrar is not a Constitutional Officer; she is not on the city's pay scale; and although her salary is set by the state, she is not supplemented by the state.

**Motion** was made by Councilor Cuffey, and seconded by Councilor Harris, to resolve to amend the FY 2007/2008 City Budget to allocate and include a request from the Office of Voter Registration (Pamala Clark – General Registrar) for a salary increase in the amount of \$2,000.

**Motion** was made by Councilor Harris to close debate. The motion died for lack of a second.

A **Substitute motion** was made by Vice Mayor Pelham to provide a raise according to COLA or \$2,000, whichever is less. The motion died for lack of a second.

Upon the roll call on the **main motion** to amend the FY 2007/2008 City Budget to allocate and include a request from the Office of Voter Registration (Pamala Clark – General Registrar) for an annual recurring salary increase in the amount of \$2,000, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	NO
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes

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Councilor Emerson	-	yes
Councilor Sealey	-	yes

**CITIZEN/COUNCILOR REQUEST – COUNCILOR BAILEY – RESEARCH & DEVELOPMENT/TECHNOLOGY TRANSFER CENTER**

Councilor Bailey reported that there is an opportunity to have a Research & Development/Technology Transfer Center in Hopewell. She included it on the agenda to increase awareness. There is a deadline and we are moving forward. Industries have a better understanding that it is industry led and focused. They are supportive of making this happen, and it has been approved. There will be \$330,000 the first year, and \$660,000 the second year. She encouraged citizen comments and support. Administration hopes to meet the deadline.

**CITIZEN/COUNCILOR REQUEST – COUNCILOR CUFFEY – PROPOSAL TO REVISE/AMEND AGREEMENT BETWEEN HDC/LLC AND THE CITY OF HOPEWELL**

Councilor Cuffey requested that Council approve the use, subject to all standard local, state, and federal site, building and environmental permits and authorize the City Attorney to work with HDC LLC to revise/amend the development agreement as required by Hopewell's ordinance and applicable law by June 29, 2007.

HDC has an agreement to develop a One Hundred and Fifty Million Dollar (\$150,000,000.00) Ethanol Production Facility employing up to fifty (50) people on the Exeter property in Hopewell. In order to proceed, the City of Hopewell and HDC LLC must revise/amend the development agreement in order to permit the use.

**Motion** was made by Councilor Cuffey, and seconded by Councilor Sealey, for Council to research the feasibility of an alternate energy production facility at the Exeter property and set a Public Hearing on June 26, 2007 at 6:30 PM.

**DISCUSSION:** Make sure they are focusing on looking into what kind of opportunity benefits effects other localities have had. Bring in all the information discussed. Get information out on the website.

Councilor Harris felt that this was not proper for us to be dealing with HDC-LLC because we have court actions and if that is the case why are we putting forth a motion to move forward. It is improper legally. The City Attorney may be able to enlighten on the question of why we are engaged with HDC and the suit that we have at this time. Mr. Wilmot assured him that there was nothing unlawful about having a public hearing on the Exeter site. Council would want to get feedback. All of Council is aware of his opinion on dealing with HDC. Councilor Harris will not support the proposal until the City Attorney feels satisfied that the HDC suit is resolved.

Councilor Emerson has been told to submit a Transactional Disclosure Statement that he has a personal conflict because he owns property across from the property in question. Business should be taken care of in Closed Session. Things have been talked about since last Thursday. The public got very reactive. We have this local think that must be repaired also. It is very difficult issue that should not be in front of the media.

Councilor Cuffey explained that there were a few things that led up to going public. All will discuss public input at a public hearing. We discussed this in closed session our City Attorney and their attorney would correspond. It was very specific to have a public hearing to receive feedback, nothing more.

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Vice Mayor Pelham stated that when she was new on Council and was learning the process, she remembers talking about the Exeter property for over a year. Council listens to the public. Mayor: Regarding HDC and a public hearing before we make our final decision, Council should hear what the public has to say. When he was on Council, former Councilor Milton Martin said at every meeting that he wanted to hear from the public. It is the same with this situation right now. We need to make information available for citizens to make a comment. We need to tell them what the business will be so that they can make intelligent comments.

Councilor Bailey - we can speak in generalities. She stated that she asked Kaufman & Canoles what happens when you wait until the last minute to get public input. Most developers would want public input early in the process. She wants to get the information out to the public. It is important to get Main Street going downtown. Keep things on general terms. The benefit will be enormous.

Councilor Emerson - we are now out of Closed Session and now people know what the issue will be. Tell the public all about it. The understanding was that Council would better understand it first. This public hearing will be an educational opportunity for the public. He asked the City Attorney if it was still a closed session item. The City Attorney responded that it still qualified under litigation for closed session discussion. Hopewell may have lost an opportunity that may be expensive to us by taking it public.

Councilor Sealey re: public expression has received much public input. He learned a lot tonight in closed session. There is potential for the City and other people to gain greatly from this. Need to put aside differences and move towards whatever is best for Hopewell. There was a lot of ground gained tonight. Do not complicate great issues.

Mayor - Council members wish to visit one of the sites. Could they tap funds to travel to that location? They need to waive the rules. Councilor Cuffey stated that it was too good of an opportunity not to look at it clearer. The company he works for supplies products for companies of that sort.

Councilor Harris stated that we are heading for a great downfall. There are opportunities for Council to talk to one another, to other people, and to people who are engaged in the problems that we face. This is why he thought it was asinine to bring this subject up for public discussion because we are not going to resolve it in this public arena. The people who are interested in it are also hoping that this matter will sink. Council's responsibility is to keep the citizens informed of what Council is doing but do it on time. Council should not discuss some things at this time. This property - Exeter - did not take long for anyone to discover that we are getting ready to do something at the Exeter property. We know at this time this property cannot be used because there is a suit pending. What is the hurry? Councilor Harris feels that things should be done in such a way to save the City some time and some money by using the best information that is at our disposal. In the meantime while we are meeting in a public session and we make a motion that is vague. We cannot be vague in Hopewell. Even when vague folks tell it anyway.

Vice Mayor Pelham stated that in Closed Session there was a 6/1 vote on this issue. Now there has been another 40 minutes of discussion in open session. By the time we come back to this open session she will call for the question.

**Motion** was made by Councilor Emerson, and seconded by Councilor Harris to table the issue until June 26, 2007. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	NO
Councilor Cuffey	-	NO
Councilor Bailey	-	NO
Councilor Harris	-	yes

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Councilor Emerson	-	yes
Councilor Sealey	-	NO

The **motion** was amended by Mayor Taylor, to ask for a study from Kaufman & Canoles, for the best and highest use for industry, including possible retail and office park at the Exeter Site. The amendment was accepted by the maker and the seconder of the original motion. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	NO
Councilor Emerson	-	Abstain
Councilor Sealey	-	yes

Councilor Emerson submitted to the City Clerk a Transactional Disclosure Statement stating a possible Conflict of Interest because he owns a business directly across the street from the Exeter property.

The City Manager and City Clerk were asked to coordinate an official visit by Council on Wednesday, June 20, 2007. Any Councilor who cannot attend will notify the City Clerk and may go on his or her own. The deadline to respond is 5:00 PM Wednesday, June 13, 2007.

#### **WAIVE THE RULES**

**Motion** was made by Councilor Cuffey, and seconded by Vice Mayor Pelham, to Waive Council's Rules & Procedures to allocate funds from the Economic Development Fund, not to exceed \$15,000.00, for City Council to visit another site that has a facility that produces an alternate energy. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	Abstain
Councilor Sealey	-	yes

#### **CITY COUNCIL VISIT TO FACILITY THAT PRODUCES ALTERNATE ENERGY**

**Motion** was made by Vice Mayor Pelham, and seconded by Councilor Sealey, to resolve to allocate a maximum of \$15,000 for City Council members, or their designees, to travel to an out-of-town facility that produces alternate energy. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	Abstain
Councilor Sealey	-	yes

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## **REGULAR BUSINESS – STATE HOLIDAY SCHEDULE & EMPLOYEE HANDBOOK**

Mr. Altman indicated that administration had been working on the Employee Handbook for the last few years. Also, the City's Vision Committee has been working on a recommendation to Council for sometime, and is planning to come before Council in the near future.

Regarding the City converting to the state holiday schedule, the overtime cost will be \$121,378 for the year; that is the total impact to the City. Currently, the City does not get all of the same holidays as the state. It is very confusing to citizens when some of the offices are open and some are not.

**Motion** was made by Councilor Cuffey, and seconded by Councilor Bailey, to approve an ordinance on first reading repealing and amending various provisions of the Hopewell City Code Chapter 2, Article III, City Employees, pertaining to the observance of the same paid holiday schedule adopted by the state for its employees currently codified in Virginia Code § 2.2-3300, and City Council's adoption of the "Human Resources Policies and Procedures Manual" dated July 1, 2007, as the Hopewell Human Resources Personnel System. Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

## **REGULAR BUSINESS – MANAGEMENT CONTRACT FOR THE BLUFFS APARTMENTS**

Interim City Manager Altman introduced the subject before Council.

**Motion** was made by Vice Mayor Pelham, and seconded by Councilor Cuffey, to resolve to approve the contract and authorize the City Manager to execute the contract (filed in the City Clerk's Office), and to pay to the contractor 7.555% of the gross receipts.

Councilor Bailey would have preferred assigning the option to someone else. Having the same managers continue is probably the best option at this point. Councilor Sealey received a call from a local realtor who asked if the City is still renting units until the end of the contract (the City is). The City Attorney indicated that they would provide new rental until July 1, 2007. The cut off date that the apartments must be vacated is September 29, 2007. Anyone in the apartments at that time would receive the \$500 relocation sum from the City.

Upon the roll call, the vote resulted:

Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

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**REGULAR BUSINESS – PRE-DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HOPEWELL AND FULCO DEVELOPMENT, INC.**

The City Administration requested authorization from City Council to enter into a pre-development agreement with FULCO Development, Inc. of Norfolk, Virginia to determine the feasibility of developing a hotel and conference center on the former Patrick Copeland School site. The City of Hopewell and FULCO will participate equally in the pre-development expenses up to an aggregate total of \$50,000. The pre-development expenses will include, but not be limited to, a market demand study, site analysis and architectural designs. The City Administration is requesting the Council authorize the use of up to \$25,000 from the Economic Development Fund and authorize the City Manager to execute any and all necessary documentation to implement this request.

In 2003, the City of Hopewell adopted the Downtown Plan, which put forth a long range vision for the future of Downtown Hopewell as the heart of a vibrant city and a destination for the region. A key element of that vision was the development of the former Patrick Copeland School site, which is an 8-acre riverfront parcel. The vision for the site established in the Downtown Plan was for mixed-use development that would include hotel, restaurant, retail, office, residential and other river-related uses. FULCO Development, Inc. met with the City Administration in January to discuss development opportunities in the city and subsequently forwarded a letter of interest to the City proposing to develop the former school site with a hotel and conference center and other public accommodations.

**DISCUSSION:** There was some Council concern about the shared costs, but Council has shared costs with developers in the past and wished to be consistent. Four proposals were received for that site which did not ask for any money. They did their own studies. Now this developer requires more money as incentives. It is not fair to ask taxpayers to spend more money now. On the other hand, other Councilors are excited about this project. The \$20M Downtown Plan always talked about a hotel on the Patrick Copeland site. There are no guarantees. The \$25,000 is a small price to pay to find out if it will work. The developer showed the successes all over the state, Norfolk, Hampton, Suffolk, and Arlington, to name a few. The project offers Hopewell a great potential. Some Council members toured a similar site in Suffolk. The conference center space is being used daily. It has a restaurant, bar, and boat access; and can accommodate wedding receptions. It created a transformation of the downtown area. We need to utilize that space and make it a showplace.

**Motion** was made by Councilor Harris, and seconded by Councilor Cuffey, to resolve to approve up to \$25,000 of Economic Development Funds and authorize the City Manager to execute the Pre-development Agreement between the City of Hopewell and FULCO Development, Inc. Upon the roll call, the vote resulted

Mayor Taylor	-	yes
Vice Mayor Pelham	-	NO
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

**REPORTS OF CITY COUNCIL MEMBERS**

Councilor Bailey asked for support of Heritage Gardens that fell prey to bad weather recently. She expressed appreciation to the people who spent time beautifying the City. But now is the time for public feedback. The gardens are open on the weekends, but let them know when you would like to have access. She announced Juneteenth on June 30, 2006 at 10:00 AM at the City boardwalk in City Point.

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Juneteenth commemorates the emancipation of slaves and invited all to attend. Councilor Bailey invited everyone to the outdoor movie, "Happy Feet" which was cancelled twice due to inclement weather. It is scheduled for Monday, June 25, 2006, at 8:00 PM on the site of the former Patrick Copeland School on Appomattox Street. It is sponsored by the Kiwanis Club and the Sierra Club. In another matter, Camille Bowman, from the Certified Local Government will be in Council Chambers, on Thursday, June 21, 2006 at 6:00 PM for a presentation on what it takes to be a Certified Local Government. The Architectural Review Board will be there also.

Councilor Harris announced the impending arrival of his next three great-grandchildren by the end of September bringing the total to 17.

Councilor Cuffey congratulated Mayor & Mrs. Steve Taylor on the arrival of their first child on June 11, 2007, Jordan Elizabeth Taylor. In another matter, Councilor Cuffey announced his excitement about economic development in Hopewell. The City is moving forward. He also congratulated Hopewell teachers and the School Board. He applauded them for the great job with his own children, Gregory and Kennedy.

Councilor Sealey announced that on June 22 & 23, 2007 Bike Virginia will be coming through Hopewell. On Friday, June 22, there will be a BBQ at Weston Manor for about 500-1,000 people. Tickets are \$20 each and are available at the Anchor Room, Appomattox River Peanut Company and several other locations. On Saturday, June 23, is the Taste of Hopewell on Main Street and surrounding area with many food booths and live music. All are invited to attend.

Councilor Emerson went to the Hopewell Tourism office and picked up a copy of the new brochure. He invited everyone to go pick up a copy, it is quite nice. There was a recent ribbon cutting at the new dental office of Dr. David Ellis last week, sponsored by the Chamber of Commerce. Councilor Emerson is looking forward to Bike Virginia this weekend. He recently attended the annual meeting of the Historic Hopewell Foundation at Weston Manor and was impressed by the gift shop and invited everyone to visit the new shop and help the foundation. In another matter he feels there are trust issues among Council members and that Council must trust administration. He trusts administration to do the right thing.

Vice Mayor Pelham announced that last Friday was the HHS graduation. She recommended to the parents of recent graduates that they start to charge them rent to prepare them for the real world. High School principal Gayle Keith has resigned and has accepted a position as one of the Superintendents in Powhatan County. She has done an outstanding job and will be missed. Vice Mayor Pelham announced the Newtown Reunion meeting on Friday, June 15, 2007 at 7:00 PM at the Turner Bland Funeral Home. She offered congratulations to Sheriff's Deputy David Silvestro who was appointed Harbor Master. Ms. Pelham also announced the unveiling next Wednesday of the Hardaway Marks portrait in the Courts Building. The Taste of Hopewell will be held on Friday, June 23, 2007 in downtown Hopewell on Main Street. Now that schools are out Vice Mayor Pelham reminded everyone about the Rainbow Summer Program, and the Boys & Girls Club. They provide summer activities for children at an affordable cost. The Rotary Club and Elder Homes have adopted a local senior citizen to upgrade their code violations. They are seeking volunteers to assist with the work.

Mayor Taylor thanked everyone for their thoughts and prayers at the birth of his daughter, Jordan Elizabeth.

## **ADJOURN**

At 11:50 PM, **motion** was made by Councilor Cuffey, and seconded by Councilor Sealey, to adjourn the meeting. Upon the roll call, the vote resulted:

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Mayor Taylor	-	yes
Vice Mayor Pelham	-	yes
Councilor Cuffey	-	yes
Councilor Bailey	-	yes
Councilor Harris	-	yes
Councilor Emerson	-	yes
Councilor Sealey	-	yes

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Steven R. Taylor, Mayor

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Ann M. Romano, City Clerk